

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

JOHN M. GRUTTEMEYER, an individual;

Plaintiff,

vs.

TRANSIT AUTHORITY OF THE CITY OF
OMAHA, a Nebraska corporation;

Defendant.

8:18CV70

ORDER

This matter is before the Court on its own motion. After a jury trial, the plaintiff obtained a judgment against the defendant in the amount of \$139,054.50, plus \$103,054.94 in attorney fees. Filing Nos. 108 and 145. This Court granted the defendant's motions to stay execution of the judgment until thirty days after the final disposition of the defendant's appeal, approving the deposit of a cashier's check in the amount of \$150,000.00 payable to the United States District Court for the District of Nebraska, as security. [Filing No. 139](#), Memorandum and Order; see [Filing No. 134](#), Ex. A. The judgment was affirmed on appeal. Filing Nos. 150 and 151.

The Circuit Court later awarded attorney fees on appeal in the amount of \$34,494.75 to the plaintiff, with \$13,356.00 awarded to Burnett Wilson Law and \$21,138.75 awarded to Sodoro Law Group. [Filing No. 156](#). The plaintiff was also awarded post-judgment interest in the amount of \$948.67. [Filing No. 155](#). The Court of Appeals for the Eighth Circuit has issued its mandate in this action. [Filing No. 152](#). Because the appellate proceedings have concluded in the plaintiff's favor, the Court finds the stay of execution should be lifted. The judgments in favor of the plaintiff exceed the amount of funds on deposit with the Court. Accordingly,

IT IS ORDERED that

1. The stay of execution on the judgment is lifted.
2. The plaintiff is instructed to file a motion to finally distribute the deposited funds within 14 days of the date of this order; the defendant shall file any response within 7 days thereafter.
3. Counsel for the plaintiff is to complete an Internal Revenue Service Form W-9 and a Form AO213 and submit the completed forms to the Clerk of Court.

Dated this 7th day of October, 2022.

BY THE COURT:

s/ Joseph F. Bataillon
Senior United States District Judge